

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN CHARLES STANLEY,

Defendant.

CR 11-11-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his Findings and Recommendations on November 9, 2016. Defendant admitted that he had violated the conditions of his supervised release by using methamphetamine and by failing to reside at a Residential Reentry Center. Judge Johnston found the admissions sufficient to establish the alleged supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of five months, with 28 months of supervised release to follow. Judge Johnston further recommended that the Bureau of Prisons place the Defendant in the Federal Correctional Institution in Phoenix, Arizona.

Defendant filed a timely objection. (Doc. 62). Defendant requests that the Court impose a sentence of two months imprisonment followed by 30 months of supervised release. (Doc. 62 at 4). Defendant argues that a five month prison sentence is “unlikely to help [him] address his emotional and chemical dependency problems.” (Doc. 62 at 3). The Court reviews *de novo* findings and recommendations to which a defendant objects. 28 U.S.C. § 636(b)(1). Findings and recommendations to which no objection is made are reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981). For the reasons stated below, this Court adopts Judge Johnston’s Findings and Recommendations.

Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custody time imposed. The United States sentencing guidelines call for a term of imprisonment of five to 11 months. The Court finds that a term of imprisonment of five months, followed by 28 months of supervised release is appropriate. A five month period of custody is warranted because this is the second time that the Defendant has violated the terms of his supervised release. A 28 month period of supervision is appropriate because it will help Defendant find employment and develop life skills, and it

will provide Defendant the support and structure needed to address his substance abuse problem. The recommended sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 61) are ADOPTED in full. Judgment shall be entered accordingly.

DATED this 28th day of November, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brian Morris
United States District Court Judge